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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICOH COMPANY, LTD.,) **RICOH'S REPLY IN SUPPORT OF ITS
Plaintiff,) MOTION TO QUASH SUBPOENAS
v.)
AEROFLEX INCORPORATED, et al.,)
Defendants)**

1 Defendants' opposition overlooks the crucial fact that, in connection with the briefing that led to
2 the March 30, 2006 order permitting one additional day of testimony from Dr. Kobayashi, while
3 Synopsys and the Aeroflex defendants (collectively "defendants") were seeking to compel two more
4 deposition days Dr. Kobayashi, Ricoh simultaneously was objecting and sought a protective order
5 against any more deposition time. The Court considered the cross-motions (which we submitted in the
6 Court's preferred joint letter format), and permitted only "one additional day of the deposition of Dr.
7 Kobayashi." D.E. 414, at 3. For the defendants to now argue (at pp. 1-2) that "nothing in the Order
8 prohibits Defendants from seeking additional deposition time from Dr. Kobayashi" reflects a
9 disappointing disregard for this Court. The issue was already litigated. The arguments were already
10 made. Defendants wanted two more days; Ricoh none. The Court made its decision: "one additional
11 day." The issue has already been resolved. This should be the end of the matter.

12 Defendants' list of issues of what they would like to question Dr. Kobayashi about is the same
13 outline that was followed in the two days of his deposition in May 2004, and the additional day in May
14 2006. Virtually all of the documents on which they rely and that relate to their wish list were produced
15 in 2003. Defendants had more than adequate time to depose the witness. More time is simply abusive.

16 Defendants claim that Dr. Kobayashi should not have needed an interpreter. But he has been
17 living in Japan for many years, and his English is not as good as it once was, especially for a formal
18 proceeding like a deposition. Dr. Kobayashi had requested an interpreter, and the record reflects that the
19 interpreter was necessary, as Dr. Kobayashi sometimes struggled to find the correct words. In any
20 event, defendants had made the same argument earlier this year, and the Court limited the deposition to
21 "one additional day."

22 Contrary to defendants' claim, Dr. Kobayashi is not "in Ricoh's control." He is a third party. He
23 never has been a Ricoh employee. He voluntarily consented to provide his deposition testimony, but
24 feels that he is being taken advantage of by defendants. He had agreed to come to the United States for
25 a single day of testimony, and after he kept his end of the agreement, defendants tried to change the
26 rules. Given the prior Order of this Court, there is no basis to subject this third party to still more
27 depositions. The subpoenas should be quashed, and Ricoh receive its fees and costs pursuant to 28
U.S.C. 1927.

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2 Dated: June 21, 2006
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